

Message Text

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PAGE 01 NASSAU 01840 292232Z

72

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C O N F I D E N T I A L NASSAU 1840

E. O. 11652: GDS

TAGS: PFOR CPRS BF

SUBJ: EXTRADITION - ROBERT L. VESCO - DAY ELEVEN

BEGIN SUMMARY: CECIL WALLACE-WHITFIELD, ATTORNEY FOR THE US, BEGAN HIS REPLY TO DUPUCH'S SUBMISSION THAT VESCO HAS NO CASE TO ANSWER. A CONTINUAL BARRAGE OF COMMENTS BY MAGISTRATE OSADEBAY LEADS THE US ATTORNEY, LOCAL COUNSEL FOR THE US AND THE EMBASSY OBSERVERS TO SUSPECT THAT HE HAS ALREADY MADE UP HIS MIND TO RELEASE VESCO, IS SEARCHING FOR RESPECTABLE REASONS FOR DOING SO, AND IS RESENTFUL OF OUR EFFORTS TO TAKE HIS ARGUMENTS AWAY FROM HIM. END SUMMARY.

1. WALLACE-WHITFIELD BEGAN HIS REPLY TO DUPUCH'S SUBMISSION THAT VESCO HAS NO CASE TO ANSWER. THE COUNSEL FOR THE US TRIED TO GIVE A DETAILED RUNDOWN OF THE OBLIGATIONS OF THE MAGISTRATE UNDER THE TREATY, BRITISH EXTRADITION ACT AND LOCAL LAW. HE WAS CONTINUALLY INTERRUPTED BY OSADEBAY, MANY TIMES TO MAKE POINTS COMPLETELY IRRELEVANT TO THE CASE. HE CONTINUES TO BE CONFUSED ON THE QUESTION OF "JURISDICTION" AND OBJECTED WHEN WHITFIELD STATED IT WAS THE US AS A WHOLE THAT WAS ASKING FOR VESCO'S EXTRADITION. THE MAGISTRATE INSISTS IT IS JUST THE SOUTHERN DISTRICT OF NEW YORK.

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PAGE 02 NASSAU 01840 292232Z

2. AT ONE POINT, OSADEBAY REFUSED TO REFER BACK TO TESTIMONY

BY ASSISTANT US ATTORNEY JOHN LOWE. HE SAID THAT SINCE LOWE WAS "PROVED WRONG" ON ONE POINT OF US LAW HE CAN NO LONGER CONSIDER HIM AN EXPERT WITNESS. LATER THE MAGISTRATE INTERRUPTED WHITFIELD TO OBJECT TO THE USE THE TERM "FUGITIVE CRIMINAL" IN REFERRING TO VESCO. STATING THAT PRIMA FACIE CASE MUST BE SHOWN BEFORE THE TERM CAN BE USED. SEVERAL TIMES HE BROKE INTO WHITFIELD'S PRESENTATION TO INSTRUCT HIM ON POINTS OF LAW OR "MERELY DRAWING HIS ATTENTION" TO SOME FACT. IT SEEMED AS IF HE WERE TRYING TO SHOW ALL PRESENT THAT HE KNEW AS MUCH, IF NOT MORE, LAW THAN THEY DID. THE NET EFFECT IS TO GREATLY PROLONG THE HEARINGS.

3. THE US SIDE BROUGHT IN THE GHANIAN DECISION IN THE ALLOTEY CASE AND READ THE OPINION OF THE CHIEF JUSTICE OF GHANA TO THE COURT. AT THE CONCLUSION, OSADEBAY VOLUNTEERED THAT THERE WERE CERTAIN POINTS IN THE DECISION WITH WHICH HE DISAGREED AND NOTED THAT PERHAPS THE GHANIAN CRIMINAL CODE WAS DIFFERENT THAN THAT OF THE BAHAMAS. HIS PRIZE STATEMENT WAS YET TO COME. THE "ILLUSTRIOUS" MAGISTRATE THEN OBSERVED THAT PERHAPS ONE CANNOT RELY ON THE DECISION IN GHANA BECAUSE THE JUDGE MAY HAVE BEEN CONSIDERING GHANIAN/US RELATIONS RATHER THAN THE MERITS OF THE CASE.

4. COMMENT: THERE ARE SEVERAL LEGITIMATE CAUSES FOR CONCERN ABOUT THE REAL WEAKNESSES IN THE US CASE AGAINST VESCO. EITHER BECAUSE OF THESE OR FOR REASONS UNKNOWN TO US, IT APPEARS TO THE US ATTORNEY, LOCAL COUNSEL FOR THE US AND EMBOFFS ATTENDING HEARINGS THAT THE MAGISTRATE HAS ALREADY MADE UP HIS MIND TO RELEASE VESCO.
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